

FILED

FEB 23 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

TAMMY PO WAH LAU,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 04-73293

Agency No. A78-373-064

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted February 13, 2006^{**}

Before: FERNANDEZ, RYMER, and BYBEE, Circuit Judges.

Tammy Po Wah Lau is a native and citizen of China. Lau petitions for review of the Board of Immigration Appeals' ("BIA") decision, which affirmed the Immigration Judge's ("IJ") order denying her application for asylum as time-

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

barred, and denying her claims for withholding of removal and relief under the Convention Against Torture (“CAT”). Lau only contests the denial of withholding of removal and CAT relief. We have jurisdiction under 8 U.S.C. § 1252.

“Where, as here, the BIA adopts the IJ’s decision while adding its own reasons, we review both decisions.” *See Kataria v. INS*, 232 F.3d 1107, 1112 (9th Cir. 2000).

Substantial evidence supports the IJ and BIA’s denial of withholding of removal because Lau failed to establish that it is more likely than not that she will be persecuted if returned to China. *See Ramadan v. Gonzales*, 427 F.3d 1218, 1222-23 (9th Cir. 2005).

Substantial evidence also supports the IJ’s denial of CAT relief. *See Malhi v. INS*, 336 F.3d 989, 993 (9th Cir. 2003).

The voluntary departure period was stayed, and that stay will expire upon issuance of the mandate. *See Desta v. Ashcroft*, 365 F.3d 741, 750 (9th Cir. 2004).

PETITION FOR REVIEW DENIED